

Chapter 5.65**CONVALESCENT TRANSPORT VEHICLES****Sections:**

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Section 5.65.010 Purpose.

In order to protect the public health, safety and welfare, it is the purpose of this chapter to prescribe basic regulations for the operation of nonemergency transport vehicles, other than wheelchair vans and excluding ambulances, to carry disabled and/or incapacitated individuals in need of transport service by gurney or litter. It is the further intent of this chapter to provide options as well as safeguards in the operation of convalescent care transportation in this City. (Ord. 6210 § 1 (part), 1995)

Section 5.65.020 Definitions.

For the purposes of this chapter, the following definitions shall apply:

"Convalescent transport service" means any private person or firm who operates one or more convalescent transport vehicles within the corporate limits of the City.

"Convalescent transport vehicle" means a motor vehicle specially constructed or modified, equipped or arranged and operated for the purpose of transporting patients not

requiring emergency service, and shall include gurney van or litter van but not a sedan chair van or wheelchair van.

"Gurney van" means and includes any litter van and refers to a motor propelled vehicle which is equipped with a portable single-person sized bed, cot, stretcher or gurney on wheels that can carry a person in a supine position in the state of nonemergency medical transportation.

"Gurney van attendant" means the person, other than the gurney van driver, providing nonmedical assistance to the passenger of the convalescent transport vehicle.

"Gurney van driver" means the person driving the convalescent transport vehicle.

"Passenger" means a person who must be transported in a prone or supine position, because such person is incapable of sitting for the period of time needed to transport, does not require any medical monitoring and is able to get on and off the gurney by themselves with minimal assistance from the gurney van driver or gurney van attendant.

"Permittee" means any convalescent transport service which has been regularly granted a permit pursuant to this chapter to engage in convalescent transport service.

"Person" means any natural person, firm, corporation, partnership or other organization, association, or group of persons however organized. (Ord. 6210 § 1 (part), 1995)

Section 5.65.030 Permits required--Exceptions.

A. Permits Required. It is unlawful for any person, either as owner, agent or otherwise, to operate, conduct or engage in or profess to be engaged in the business of convalescent transport service upon the streets or any public way or place in the City without first obtaining a permit issued pursuant to the provisions of this chapter. A permit shall be required for any vehicle operated as a convalescent transport vehicle under contract with or under an agreement, formal or informal, with any hospital, health maintenance organization, insurance company, health care plan or similar group except as enumerated in this section; provided, however, a franchised ambulance service may provide convalescent transport service without the necessity of an additional permit. No permit may be transferred to another by operation of law or otherwise without the specific written authorization of the City Council.

B. Exceptions. Notwithstanding anything to the contrary hereinabove, the provisions of this section shall not apply to:

1. Vehicles operated as convalescent transport vehicles at the request of local authorities during any "state of war emergency" or "local emergency," as said terms are defined in the Government Code of the State of California;

2. Convalescent transport vehicles transporting a patient from a location outside the City limits, regardless of destination;

3. Vehicles operated as convalescent transport vehicles by a hospital, health maintenance organization, insurance company, health care plan or similar group exclusively for its own patients and member clients;

4. Vehicles operated by the County, State or federal government. (Ord. 6210 § 1 (part), 1995)

Section 5.65.040 Application--Fee.

A. Application. An applicant for a convalescent transport service permit shall file with the City Clerk an application in writing, on a form to be furnished by the City, which shall give the following information:

1. The name and description of the applicant;
2. The business address and residence address of record and telephone number of the applicant;
3. The trade or firm name or fictitious name (dba) as recorded;

4. If a corporation or a joint venture of a general or limited partnership, the names of all partners and officers, their permanent addresses, telephone numbers and their percentage of participation in the business;

5. A statement setting forth the experience of the applicant in the operation of convalescent transport service and demonstrating that the applicant is qualified to render efficient convalescent transport service;

6. A statement that the applicant owns or has under the applicant's control, in good mechanical condition, required equipment to adequately conduct convalescent transport service in the territory for which the applicant is applying and that the applicant owns or has access to suitable facilities for maintaining such equipment in a clean and sanitary condition;

7. A list of all vehicles proposed to be operated by the applicant in the convalescent transport service, by make, model, year, vehicle license and vehicle identification number and the patient capacity thereof. Applicant shall also identify color scheme, name, monogram or insignia which shall be used on such vehicle(s) and the above shall not be in conflict with or imitate any color scheme, name, monogram or insignia used by any other person or firm in such manner as to be misleading or tend to deceive or defraud the public;

8. An affirmation that each convalescent transport vehicle and its appurtenances conform to all the applicable provisions of this chapter and to applicable provisions of City and State laws and regulations;

9. A list giving the name and description of the training for each convalescent transport service employee and a copy of each certificate or license issued by the State and/or County establishing qualifications for such personnel in convalescent transport operations;

10. A schedule setting forth the rates proposed to be charged for the provision of convalescent transport service;

11. A statement that shows that the issuance of a permit is in the public interest and that there is a need for a permit to be issued in that there is a requirement for convalescent transport service which can be legally served by the applicant;

12. Such other facts or information as the City may reasonably require.

B. Fee. The application shall be accompanied by a processing fee in an amount as may be established from time to time by resolution of the City Council. The application shall not be considered complete unless the application fee is paid. (Ord. 6210 § 1 (part), 1995)

Section 5.65.050 Investigation.

Upon receipt of a completed application for convalescent transport service, together with the application fee established by resolution of the City Council, the Finance Director shall, in cooperation with the Fire Chief, conduct an investigation to determine whether the public health, safety, welfare, convenience and necessity require the granting of the permit and to further determine if the applicant meets all of the requirements of this chapter. The investigation shall be conducted within a reasonable amount of time. (Ord. 6756 § 2, 2004; Ord. 6210 § 1 (part), 1995)

Section 5.65.065 Issuance or denial of permit.

A. Findings. In determining whether to grant a permit for convalescent transport service, the Finance Director shall consider, among other things, the demand for service and the adequacy of existing service and the economic impact on current providers of this service. The Finance Director may order the issuance of a permit if the Finance Director finds that:

1. The applicant has successfully proven need and necessity and/or economic viability;
2. The applicant is financially responsible and otherwise able to provide the requested service;

3. The applicant has obtained the required amount of insurance as specified in this chapter or has obtained malpractice insurance to cover any losses or liability incurred in performing the services as authorized by this chapter and which names the City as an additional insured;

4. If the applicant has previously provided convalescent transport services, such services have been provided in a satisfactory manner;

5. The applicant can meet the requirements for the driver of any vehicle authorized to do business under this chapter and the gurney van attendant required under this chapter.

B. Considerations. In making such determinations as set forth in subsection A of this section, the Finance Director shall consider whether any person:

1. Has committed any act which, if committed by any permittee, would be grounds for the revocation of a permit issued pursuant to this chapter;

2. Has committed any act involving dishonesty, fraud, or deceit with the intent to injure another or benefit him/herself or another;

3. Has within the past ten years previously violated the provisions of this chapter;

4. Has been convicted of a felony or a crime involving moral turpitude;

5. Has knowingly made a false statement of fact in such application.

In determining the effect of such acts or convictions, the Finance Director shall consider whether they are related to the activities of a convalescent transport service and shall evaluate the rehabilitation of such person.

C. Issuance of Permit. If the Finance Director decides to grant a permit to conduct convalescent transport service, the Finance Director shall issue a permit, in the form and substance approved by the City Attorney and subject to the submission and approval of the required evidence of insurance, to the applicant to conduct a convalescent transport service for the term as hereinafter specified and upon the conditions as may reasonably be required by the Finance Director to protect and preserve the health, safety and welfare of the City.

D. Nontransferability of Permit. All permits issued pursuant to this chapter are nontransferable. Upon the sale or transfer of any ownership or profit interest whether present or prospective in a convalescent transport service, the permit issued hereunder shall be null and void. A new application shall be made in accordance with the provisions of this chapter. (Ord. 6756 § 4, 2004; 6210 § 1 (part), 1995)

Section 5.65.066 Appeal.

Any applicant for a convalescent transport permit who has been denied a permit or who has had their permit suspended or revoked may, within fifteen days of notification of the denial or revocation of such permit pay a fee as set by resolution and file an appeal in writing with the City Clerk. The applicant shall set forth in writing the grounds for the appeal. The City Clerk shall set a time not less than ten nor more than thirty days thereafter for the hearing of the appeal before the City Council, and shall give notice of the time set at least five days before the date of such hearing to the applicant or permit holder, by mail, at the address set out in such application. At the time set for the hearing of such appeal, the City Council shall receive from the Finance Director and the applicant or permit holder information regarding the denial or revocation and appeal and shall make a determination to grant the permit or uphold the denial or revocation. The determination of the City Council shall be a final determination of the matter. (Ord. 6756 §5; 2004)

Section 5.65.070 Term, renewal.

A. Initial Term. The initial permit required by this chapter shall remain in effect for a period of six months from the date of issuance by the Finance Director.

B. Renewals. The permit issued to any applicant may thereafter be renewed subject to

the terms and conditions as set forth above for the granting of the original permit. Applications for renewal shall be in a form substantially similar to that set forth above and shall be accompanied by a renewal fee as may be established from time to time by resolution of the City Council. The Finance Director may renew the permit for a period of one year if the permittee has complied with the conditions of this chapter and the Finance Director is of the belief that there is a need and necessity for this service. (Ord. 6756 § 6, 2004; Ord. 6210 § 1 (part), 1995)

Section 5.65.080 Requirements for operation.

Upon the issuance of a permit to operate a convalescent transport service, the permittee shall comply with the following requirements:

A. Advertisements. Permittee shall not advertise as an ambulance service or medical transport, nor shall the permittee advertise under the ambulance or medical transport classifications in the commercial yellow pages of any telephone directory distributed in this City. Any advertising in whatever form by the permittee shall clearly State that the permittee does not provide "ambulance services" or "medical transport services." Permittee may, however, advertise as a specialized form of transportation serving the disabled, incapacitated or persons who cannot ride in an upright position.

B. Notice to Passenger. Each passenger must receive orally or in writing at the time service is requested, notice that permittee is not an ambulance service and that permittee requires a written authorization to travel by convalescent transport vehicle signed by a physician duly licensed to practice medicine in the State of California.

C. Waiver. Each passenger must co-sign the physician's authorization form acknowledging that the convalescent transport vehicle is not an ambulance and that ambulance services are not available in this type of vehicle. This shall constitute a waiver by passenger that said form of transportation is in lieu of any other form of transportation including an ambulance or medical transport.

D. Maintenance of Records. The permittee shall keep physicians' authorizations and passenger waivers on file for at least three years and shall provide copies to City upon request. The physician's written authorization shall be for one round trip transport only. A duplicate of the authorization shall be given to the passenger.

E. Maintenance of Passenger Log. The permittee shall keep a permanent log of every trip made and each passenger transported, whether the trip was one way or round trip. If the passenger was transported on a round trip, and the destination of the second segment was not the point of origin of the first segment of the trip, then the permittee shall state the destination of the second segment. The log shall contain the passenger's name, the date and time the trip began, the passenger's destination, the names of the gurney van driver and attendant, the vehicle identification number or license plate number. The log shall state for each trip or portion thereof if the trip was interrupted or not completed, the reason for the partial trip or failure to complete the trip. Log entries shall be clearly written in permanent ink and in a bound volume with each page permanently numbered. Invalid entries or errors shall be crossed out, but not erased or blanked out, and no pages from the bound log shall be removed or destroyed. The log shall be kept for a period of three years from the period in which the log book was completed.

F. Administrative Oversight Fee. Upon the granting of the permit, the permittee shall pay an administrative oversight fee of five hundred dollars to off-set the City's cost of regulating and monitoring this form of transportation.

G. Use of City Forms. The permittee shall use the authorization and waiver form designated by the City.

H. Title 22 of California Code of Regulations. The permittee, in addition to meeting the requirements of this chapter, shall also meet the requirements of Title 22 of the California Code

of Regulations. In the case of conflict, the provisions of Title 22 shall prevail.

I. Two-Way Communications. Permittee shall provide evidence of an operating two-way communication in each authorized vehicle in case of emergency. Communication equipment may include a two-way radio, cellular phone or other means of two-way communication between the van and the permittee's office and/or the 911 communications center. No convalescent care van may be operated with a passenger on board unless there is working two-way communication equipment in the vehicle.

J. Compliance With Laws. Permittee shall comply with all federal, State and local laws, regulations and requirements.

K. List of Motor Vehicles. Permittee shall submit to the City's franchise and contracts officer and keep current a list describing every motor vehicle permittee proposes to use, giving the following information:

1. Year, make and model;
2. Vehicle identification number;
3. State license number;
4. Passenger capacity;
5. Body style. (Ord. 6210 § 1 (part), 1995)

Section 5.65.085 Requirements relating to personnel.

Each convalescent transport vehicle while being operated with a passenger shall have both a gurney van driver and a gurney van attendant. The gurney van driver and the gurney van attendant employed by permittee for the convalescent transport service shall meet the minimum requirements as set forth hereinafter.

A. Gurney Van Driver. Each gurney van driver must hold a current gurney van driver's permit issued pursuant to this section. The applicant for such permit shall file an application with the police department for a permit to operate a gurney van pursuant to this chapter, which application shall be accompanied by a fee in the amount as may be established from time to time by resolution of the City Council. A gurney van driver's permit shall not be issued to any person who does not meet the following minimum requirements:

1. At least eighteen years of age, possessing a valid California driver's license or a current California ambulance driver's certificate issued by the State Department of Motor Vehicles;
2. Has a current American Red Cross standard first aid and personal safety certificate or equivalent;
3. Has passed a physical examination within two years prior to the filing of the application and possesses a current Department of Motor Vehicles Form DL-51 Medical Examination Report.

The Chief of Police or the designee of the Chief of Police may deny a permit to any person who, within two years immediately preceding such application, has been convicted of reckless driving or of driving a vehicle while under the influence of intoxicating liquor or drugs, or a combination of both. If the applicant is found to have committed some other crime, the nature of which would endanger the public health, welfare or safety if such person were given a gurney van driver's permit, the Chief of Police or the designee of the Chief of Police after investigation shall deny issuance of a permit. The Chief of Police or the designee of the Chief of Police may receive and consider evidence of rehabilitation before rendering a decision on the permit application. Any such denial for drunk or reckless driving or for the conviction of any other crime may be appealed to the City Council by written notice filed with the City Clerk within thirty days after such denial. The City Clerk shall place the matter of the denial of the gurney van driver's permit on the next available Council agenda. The decision of the City Council shall be final.

Any falsification on the application shall be grounds for denial or revocation of the gurney

van driver's permit.

All permits issued pursuant to this section to drive a gurney van shall expire one year from the date of issue. Applications for renewals shall be made within thirty days from the date of expiration of such permit. Applications for renewal shall be filed in the same manner as the initial application, and shall be accompanied by a fee in the amount as established by resolution of the City Council.

A gurney van driver while operating a convalescent transport vehicle pursuant to the provisions of this chapter shall have in said driver's possession the gurney van driver's permit issued pursuant to the provisions of this section.

A gurney van driver shall drive the vehicle in a safe law-abiding manner and shall avoid when possible driving on roads where construction and/or other road conditions could possibly aggravate the passenger's current physical condition or incapacity(ies). The gurney van driver shall not function as an emergency medical technician or paramedic, but may perform the duties of a gurney van attendant. The gurney van driver shall not drive any vehicle as enumerated in this chapter that is not equipped with a working communications system as required by this chapter. The gurney van driver shall be knowledgeable in the operation of said communications system or device.

B. Gurney Van Attendant. The gurney van attendant shall be a person at least eighteen years of age, possessing a valid California driver's license or current California ambulance driver's certificate issued by the State Department of Motor Vehicles, and possessing a current American Red Cross standard first aid and personal safety certificate or equivalent and a cardiopulmonary resuscitation certificate (CPR), who shall have passed a physical examination within the past two years and possesses a current Department of Motor Vehicles Form DL-51 Medical Examination Report. The duties of a gurney van attendant shall include, but are not limited to, the following: assist the loading and unloading of passengers from the gurney van and to provide nonmedical assistance to the passenger to make the ride comfortable and safe. A gurney van attendant shall not function as an emergency medical technician or paramedic, but may function as a gurney van driver. (Ord. 6210 § 1 (part), 1995)

Section 5.65.090 Requirements relating to vehicles.

A. Condition of Vehicles. All vehicles used for convalescent transport services shall be kept in good mechanical condition and working order, and in a clean and sanitary condition. The City reserves the right to inspect or cause to be inspected permitted vehicles for compliance with this chapter, for the presence and operating condition of required safety features and for cleanliness.

The City reserves the right to charge permittee for the reasonable costs of inspections required under this section. Any such costs shall be billed to the permittee and shall be paid by permittee within thirty days of the mailing of the invoice by the City.

B. Light Inside Vehicle. All vehicles used for convalescent transport services shall be equipped with a light within such vehicle, so arranged as to illuminate the whole of the passenger area, which light shall be constantly lighted at all times while any passenger is in such vehicle, except when the same is in motion and if necessary due to driving hazards.

C. Identification. Motor vehicles used for gurney van purposes shall not display identification as an ambulance nor shall such litter van vehicle be substituted for an ambulance if the passenger's condition showed in the opinion of a licensed physician requires transport by ambulance.

D. Stopping at Railroad Crossings. All vehicles used for convalescent transport services shall, while carrying a passenger, come to a full stop within thirty feet of the nearest rail before crossing any railroad track where no gates are maintained. (Ord. 6210 § 1 (part), 1995)

Section 5.65.095 Requirements relating to provision of convalescent transport services.

A. Convalescent Transport Services. Convalescent transport rates shall be applicable when gurney van service is specifically requested and the physician's written authorization is in the physical custody of the permittee or the permittee's employee or agent and is available for inspection and review by the City or its agent upon request, and if the City requires and where the patient's medical and physical condition:

1. Requires that the passenger be transported in a prone or supine position, because the patient is incapable of sitting for the period of time needed to transport;
2. Requires specialized safety equipment over and above that normally available in passenger cars, taxicabs or other forms of normal public conveyance;
3. Does not require the specialized services, equipment and personnel provided in an ambulance, including, but not limited to, oxygen and an intravenous line or emergency medical technician, because the patient is in a stable and conscious condition and does not need observation;
4. Permits the patient to get on or off the gurney without substantial assistance from the gurney van attendant;
5. Permits the passenger to monitor use of oxygen if needed which must be provided by the passenger;
6. Does not include a seventy-two-hour hold or the patient is psychiatric or mentally disturbed even if nonviolent;
7. Requires a written authorization signed by a licensed physician to permit the passenger to travel in a convalescent transport vehicle. Said written authorization must be co-signed by the passenger.

B. Exclusions. Convalescent transport vehicles shall not be used to transport a passenger if the following conditions exist:

1. The passenger requires any type of continuous medical monitoring;
2. Requires the attendance on board the transport vehicle of one or more certified medical personnel at EMT-1 level or above or the presence of any nurse or physician;
3. The passenger has trouble breathing and/or shows signs of medical distress;
4. The passenger is immobilized in any type of medical apparatus or equipment;
5. The passenger's condition has not been certified as suitable for gurney transport in a nonemergency medical transportation vehicle by a licensed physician;
6. The passenger's condition is one which falls under the transportation protocols of the County EMS agency. (Ord. 6210 § 1 (part), 1995)

Section 5.65.100 Amendments.

Any holder of a permit issued pursuant to the provisions of this chapter may apply to the Finance Director for an amendment to the terms of such permit. Such request shall be processed in the same manner as an original application; provided, however, the Finance Director may waive those requirements deemed unnecessary. Such request for an amendment shall be accompanied by a processing fee in such amount as may be established from time to time by resolution of the City Council. (Ord. 6756 § 7, 2004; Ord. 6210 § 1, 2004; (part), 1995)

Section 5.65.110 Suspension or revocation of permit.

A. Any permit granted under the provisions of this chapter may be suspended or revoked by the Finance Director after five days' notice to the permit holder, requiring him or her to appear at a certain time and place to show cause why such permit should not be suspended or revoked.

B. Ground for Suspension or Revocation. Suspension and revocation shall be on the

grounds that the permittee or any partner, officer or director of the permittee:

1. Violated any section of this chapter, any applicable regulation promulgated by the City, or any applicable State law or regulation concerning convalescent transport vehicles; or
2. Committed any act which would constitute grounds for the denial of a permit. (Ord. 6756 § 8, 2004; Ord. 6210 § 1, 2004; (part), 1995)

Section 5.65.120 Fines for noncompliance with standards.

A. Fines. In addition to suspension or revocation of a permit or certificate as enumerated in Section 5.65.110, the permittee shall be subject to the following fines for failure to comply with the standards or requirements of this chapter:

1. Failure to obtain physician authorization -- one hundred dollars;
2. Failure to obtain passenger signature on physician authorization -- one hundred dollars;
3. Failure of gurney van attendant to possess current first aid, current CPR card or current DMV medical exam report -- five hundred dollars;
4. Imposition of an excessive charge -- two hundred fifty dollars;

B. Payment. Such fines shall be due and payable to the City within fifteen days of the mailing by the franchise and contracts officer of a notice to the permittee of the assessment of such fine. Any such notice of such fine shall specify the grounds for the assessment and advise the permittee of a right to appeal the imposition of an assessment.

C. Appeal. If a permittee objects to the imposition of a fine pursuant to this section, the permittee may appeal such fine by filing an appeal with the Fire Chief within fifteen days following issuance by the franchise and contracts officer of the notice of imposition of the fine. The appeal shall be in writing and shall specify the grounds for the appeal. The Fire Chief or the designee of the Fire Chief shall hold a hearing upon any timely filed appeal within thirty days of the date of filing. Notice of the hearing shall be given to the permittee by mailing the notice of hearing, postage fully prepaid, at least ten days prior to the date of the hearing. The Fire Chief or the designee of the Fire Chief shall render a decision on appeal within ten days following the close of the hearing. The decision of the Fire Chief or the designee of the Fire Chief shall be in writing and shall be final.

D. Payment Following Appeal. If the permittee has appealed the imposition of the fine in a timely manner, and if the Fire Chief or the designee of the Fire Chief uphold the imposition of the fine following a hearing thereon, the permittee shall pay the fine to the City within fifteen days following the rendering of the decision.

E. Civil Debt. The fines imposed by this section shall be civil debts owing to the City from the permittee, and may be collected by the City as any other civil debt. (Ord. 6210 § 1 (part), 1995)

Section 5.65.125 Reimbursement for City costs.

The City in the exercise of its oversight responsibilities reserves the right to retain or to contract with any consultant including medical, legal or other to assist the City in its oversight responsibilities if the City Council determines there is reasonable cause to believe such action is necessary. The City Council may require the permittee to pay such additional oversight costs above the oversight fee charged up to a maximum amount of two thousand five hundred dollars. (Ord. 6210 § 1 (part), 1995)

Section 5.65.130 Insurance.

A. General and Professional Liability Insurance. Each permittee under this chapter shall obtain and keep in force during the term of such permit, comprehensive automobile liability insurance and professional liability insurance, issued by a company authorized to do business in the State, insuring the owner against loss by reason of injury or damage that may result to persons or property from the negligent operation or defective construction of such ambulances or convalescent transport vehicles or from violations of this chapter or any other law of the State or the United States. Such comprehensive automobile liability policy shall be in the sum of not less than five hundred thousand dollars for combined single limit, bodily injury and property damage. Such professional liability insurance shall be in the sum of not less than one million dollars per person and one million dollars annual aggregate. The amount of comprehensive automobile liability insurance shall be subject to review and adjustment by the City annually at the option of the City.

B. Workers' Compensation Insurance. Workers' compensation insurance shall be carried covering all employees of the permittee.

C. Certificates. Before the City shall issue a permit, copies of the policies or certificates evidencing the insurance required by this section shall be filed with the City Clerk. All policies shall contain a provision requiring a thirty-day notice to be given to the City prior to cancellation, modification or reduction in limits. The City shall be named as an additional insured on the policies for general liability and automobile liability. (Ord. 6210 § 1 (part), 1995)

Section 5.65.140 Indemnification.

Upon the granting of a permit pursuant to the provisions of this chapter, the permittee shall indemnify, defend and save harmless City and its officers, agents and employees from any and all loss, damage, claims, liability, expense or cost arising out of or in any way resulting from any accident or occurrence causing or alleged to have caused injury to any person or property arising out of or contributed to by the performance of the permittee under a permit issued by City pursuant to this chapter, excepting therefrom the sole negligence or willful misconduct of City. Permittee expressly agrees that any payment, attorney fee, cost or expense City incurs or makes to or on behalf of an injured employee under its self-administered workers' compensation program are included as a loss, expense or cost for purposes of this section. The provisions of this section shall survive the expiration or early termination of the permit. (Ord. 6210 § 1 (part), 1995)

Section 5.65.150 Passenger rates.

A. Rates Established. The applicant shall submit a proposed schedule of rates for the convalescent transport service to be provided pursuant to this chapter at the time of application for a permit. If the City Council determines to issue the permit for the provision of convalescent transport service, the City Council shall also approve the schedule of rates, or approve with modifications the rates proposed by the permittee if the City Council determines that such rates as proposed are excessive in relation to the costs of providing such service and/or in comparison with the rates for similar services. No charge shall be made for an uninjured or well person who accompanies a patient. Only one stretcher or gurney patient may be carried at any one time in the convalescent transport vehicle.

B. Posting of Rates. Permittee shall have posted in a public and conspicuous place at permittee's place of business and in each vehicle used for the transport of a passenger, the rates which have been approved by the City Council for the services authorized hereunder.

C. Changing of Rates. The rates to be charged by permittee for the provision of convalescent transport services shall not change for a period of six months from the date of approval by the City Council. Whenever a permittee desires to change the rates for the services

provided under the permit issued pursuant to this chapter, the permittee may file a request for amendment in accordance with the provisions of Section 5.65.100.

D. Excessive Rates. No charge shall be made for the provision of convalescent transport services by any permittee in excess of the rates posted in the passenger compartment of the vehicle and approved by the City Council.

E. Contract Convalescent Transport Services. Nothing in this chapter shall prohibit a permitted convalescent transport service or a franchised ambulance provider from contracting with any hospital, health maintenance organization, insurance company, health care plan or similar group exclusively for its own patients, members and/or clients at rates at or below those approved by the City Council. (Ord. 6210 § 1 (part), 1995)

Section 5.65.160 Emergency and disaster operations.

During any "state of war emergency," or "state of emergency," or "local emergency," as defined by the Government Code of the State, each convalescent transport service shall provide equipment, facilities and personnel as required by the County Health Officer, the City Health Officer, the City or the County. (Ord. 6210 § 1 (part), 1995)

Section 5.65.170 Complaints.

Any user of a convalescent transport service contending that he/she has been required to pay an excessive charge for service or that he/she has received inadequate services may file a written complaint with the City's franchise and contracts officer setting forth such allegations. The City shall notify the convalescent transport service of such complaint and shall investigate the matter to determine the validity of the complaint. If the complaint is determined to be valid, the City shall take reasonable and proper actions to secure compliance with the provisions of this chapter. (Ord. 6210 § 1 (part), 1995)

Section 5.65.180 Inspections.

The City shall inspect the records, facilities, vehicles, equipment and methods of operation of each permittee at least once or more frequently as deemed needed during the period of operation authorized for the initial permit and at least twice annually during the period authorized for any renewal permit. (Ord. 6210 § 1 (part), 1995)

Section 5.65.190 Same day service.

Nothing in this chapter shall prohibit the provision of services to a passenger on the same day the service is requested, provided that the permittee, or permittee's employee or agent has physical custody of the physician's signed written authorization which shall also be cosigned by the passenger. (Ord. 6210 § 1 (part), 1995)

Section 5.65.200 Rules and regulations.

The City Council may from time to time by resolution make necessary and reasonable rules and regulations covering convalescent transport service operations, and convalescent transport equipment, convalescent transport vehicles, and convalescent personnel, and standards of dispatch for the effective and reasonable administration of this chapter. (Ord. 6210 § 1 (part), 1995)

Section 5.65.210 Changes--Notice.

In the event of a proposed change in the ownership or management of any kind or nature, any interruption of service of more than twenty-four hours' duration, or any substantial change in the staffing or equipment of the convalescent transport service, the permittee shall

notify the City immediately in writing, stating the facts of such proposed change. Such notice shall be filed with the City Clerk of City. (Ord. 6210 § 1 (part), 1995)

Section 5.65.220 Compliance with laws and regulations.

In order to maintain a permit, a permitted convalescent transport service shall comply with all applicable provisions of City and State laws and regulations. (Ord. 6210 § 1 (part), 1995)

Section 5.65.230 Violation.

Any operator of a convalescent transport service who knowingly or willfully fails or refuses to obtain a permit as required by the provisions of this chapter if so required by its provisions is guilty of a misdemeanor. (Ord. 6210 § 1 (part), 1995)

Section 5.65.240 Severability.

If any section, subsection, subdivision, sentence, clause, phrase or part of this chapter or any part thereof is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of remaining portions of this chapter, or any part thereof. The City Council declares that it would have adopted this chapter and each section, subsection, subdivision, sentence, clause, or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, or phrase be declared invalid or unconstitutional. (Ord. 6210 § 1 (part), 1995)